

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper No. 9650

Filed by: Michael P. Tierney
Administrative Patent Judge
Interference Trial Section
Mail Stop Interference
P. O. Box 1450
Alexandria, VA 22313-1450
Tel: 703-308-9797
Fax: 703-305-0942

Filed
October 31, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ALFRED POLLAK and ANNE GOODBODY,

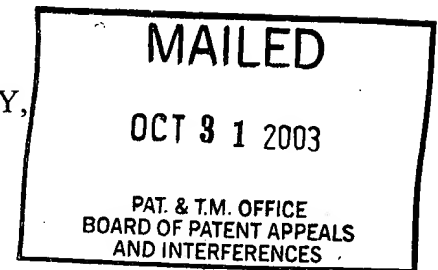
Junior Party,
(Patent Nos. 5,662,885 and 5,780,006),

v.

WILLIAM McBRIDE and RICHARD T. DEAN,

Senior Party
(Application 08/253,973).

Patent Interference 104,789 (MPT)



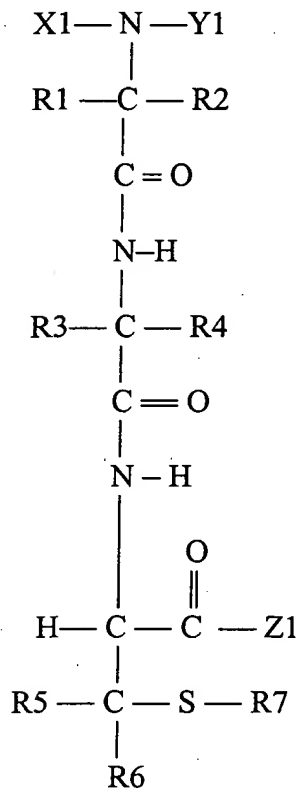
NOTICE REDECLARING INTERFERENCE

As discussed in the Memorandum, Opinion and Order (Paper No. 95), Count 1 erroneously recites an ester group rather than the commonly claimed carbonyl group. This interference is redeclared with Count 2, set forth below, which replaces the ester group with the appropriate carbonyl group. The claim correspondence and accorded priority benefit dates

remain as discussed in the Memorandum (Paper No. 95).

Count 2 is as follows:

A compound having the formula:



wherein

R1 is hydrogen (-H) or C₁-C₄ alkyl;

R2 is hydrogen (-H) or C₁-C₄ alkyl;

R3 is hydrogen (-H) or C₁-C₄ alkyl;

R4 is hydrogen (-H) or C₁-C₄ alkyl;

R5 is hydrogen (-H) or C₁-C₄ alkyl;

R6 is hydrogen (-H) or C₁-C₄ alkyl;

R7 is hydrogen (-H);

X1 is C₁-C₄ alkyl;

Y1 is C₁–C₄ alkyl;

Z1 is a targeting molecule; and

alkyl is a moiety having the empirical formula

–C_nH_{2n+1}, where n is 1 to 4,

or

the compound in a form complexed with a metal radionuclide,

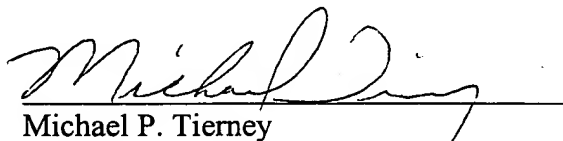
or

a method of detecting the localization of a targeting molecule within a mammal comprising administering a diagnostically effective amount of the compound to a mammal wherein the compound is in a form complexed with a metal radionuclide,

or

a method of imaging a site of local inflammation within a mammal comprising administering a diagnostically effective amount of the compound to a mammal wherein the compound is in a form complexed with a metal radionuclide.

In light of the redeclaration of the interference, the parties are to file Preliminary Statements by no later than **November 24, 2003**.


Michael P. Tierney
Administrative Patent Judge

Counsel for POLLAK:

Nicholas L. Coch, Esq.
Donald L. Rhoads, Esq.
KRAMER LEVIN NAFTALIS & FRANKEL LLP
919 Third Avenue
New York, N.Y. 10022

Tel: 212-715-9100
Fax: 212-715-8000

Counsel for McBRIDE:

Frederick H. Rabin, Esq.
FISH & RICHARDSON, P.C.
45 Rockefeller Plaza
New York, N.Y. 10111

Tel: 212-765-5070
Fax: 212-258-2291